

ACT 72

H.B. NO. 1501

A Bill for an Act Relating to Drug Paraphernalia.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the benefits of making the offenses of possession and delivery of drug paraphernalia violations outweigh the benefits of the current felony criminal treatment of these offenses.

The legislature further finds that state funds are better spent on community programs and rehabilitation of nonviolent, low-risk drug offenders, as envisioned by the reentry pilot project established under Act 149, Session Laws of Hawaii 2014.

Accordingly, the purpose of this Act is to decriminalize the possession and delivery of drug paraphernalia and, instead, to make these offenses violations.

SECTION 2. Section 329-43.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Except as provided in subsection (e), it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. ~~[Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.]~~ A violation of this subsection shall constitute a violation subject to a fine of no more than \$500.

(b) Except as provided in subsection (e), it is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. ~~[Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned pursuant to section 706-660 and, if appropriate as provided in section 706-641, fined pursuant to section 706-640.]~~ A violation of this subsection shall constitute a violation subject to a fine of no more than \$500.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 3, 2017.)